

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|   |   |                                   |
|---|---|-----------------------------------|
| IN RE:                                    | ) | In Proceedings Under              |
|   | ) | Chapter 13                        |
| Keith Richard and Nicole Michele Hamilton | ) | Case Number 11-50488              |
| Debtors.                                  | ) |                                   |
|   | ) | Adversary Proceeding No. 14-05011 |
| Keith Richard and Nicole Michele Hamilton | ) |                                   |
| Plaintiffs.                               | ) |                                   |
| -vs-                                      | ) |                                   |
| U.S. Bank Home Mortgage <i>et al.</i>     | ) | Hon. Marilyn Shea-Stonum          |
| Defendants.                               | ) |                                   |

**REQUEST FOR ENTRY OF DEFAULT AND DECLARATION  
IN SUPPORT OF ENTRY OF DEFAULT**

The Plaintiffs-Debtors, Keith Richard and Nicole Michele Hamilton, by undersigned counsel, hereby file this Request for Entry of Default and Declaration in Support of Entry of Default, and request an entry of default by the Clerk of the United States Bankruptcy Court for the Northern District of Ohio against Defendants U.S. Bank Home Mortgage, U.S. Bank, N.A. and FirstMerit Bank, N.A.

In support of the requested relief, Counsel for Plaintiffs-Debtors submits the Declaration of Priscilla Schnittke, attached as Exhibit A and incorporated herein by reference.

Counsel for Plaintiffs-Debtors requests that the Clerk file an Entry of Default.

Respectfully submitted,

*/s/ Priscilla A. Schnittke*  
KNEVEL & ASSOCIATES CO. LPA  
Priscilla A. Schnittke, 0040508  
Attorney for Plaintiffs-Debtors  
629 Euclid Avenue, Suite 1037  
Cleveland, OH 44114  
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**EXHIBIT A**

**Declaration of Priscilla Schnittke**

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| U.S. Bank Home Mortgage <i>et al.</i>     | ) | Hon. Marilyn Shea-Stonum          |
| Defendants.                               | ) |                                   |

**DECLARATION OF PRISCILLA SCHNITTKE  
IN SUPPORT OF ENTRY OF DEFAULT**

I, Priscilla Schnittke, make this Declaration pursuant to the provisions of 28 U.S.C. section 1746:

1. I am an associate of the law firm of Knevel & Associates Co. LPA, counsel for the Plaintiffs-Debtors, whose Cleveland office is located at 629 Euclid Avenue, Suite 1037, Cleveland, OH 44114. I am a member in good standing of the bar of the State of Ohio and am admitted to practice before the United States Bankruptcy Court for the Northern District of Ohio.

2. On February 10, 2014, I filed the Complaint in this case against U.S. Bank Home Mortgage, U.S. Bank, N.A. and FirstMerit Bank, N.A. (Defendants) (Dkt No. 1).

3. On February 10, 2014, the Clerk issued Summonses to each of the Defendants (Dkt. No. 2).

4. Pursuant to the Federal Rules of Bankruptcy Procedure, the Court set March 12, 2014, as the deadline for each of the Defendants to serve an answer or motion in response to the Complaint. (Dkt. No. 2).

5. On February 11, 2014, I personally served copies of the Complaint, pre-trial Order and Summonses on Defendants U.S. Bank Home Mortgage, by regular mail, Attn.: Highest Officer, at their address per their statement to Plaintiffs, as they do not have a statutory agent in Ohio, nor are they a fdic institution, per the Secretary of State of Ohio; and to U.S. Bank, N.A., by certified mail, Attn.: Highest Officer, at their headquarters address, and to FirstMerit Bank, N.A., by certified mail, Attn.: Highest Officer, at their headquarters address. (Dkt. No. 6).

6. On February 18, 2014, I filed the Certified Mail Return Receipt for Defendants U.S. Bank N.A. and FirstMerit Bank, N.A.

7. None of the Defendants have filed or served an answer or responsive motion on Plaintiffs-Debtors' Counsel by March 12, 2014, the deadline fixed by the Court pursuant to the Federal Rules of Bankruptcy Procedure.

8. None of the Defendants are in military service.

9. None of the Defendants are a minor or an incompetent person.

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2014

/s/ Priscilla Schnittke

Priscilla Schnittke, Counsel for Plaintiffs-Debtors

## **CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing Motion was electronically transmitted via the Court's CM/ECF system on or about March 25, 2014, to the following who are listed on the Court's Electronic Mail Notice List

United States Trustee, USTP.Region09@usdoj.gov  
Keith L. Rucinski, Chapter 13 Trustee, krucinski@ch13akron.com

It is further certified that the following received notice by regular U.S. Mail at the specified address on the date first set forth above:

**Plaintiffs-Debtors:**

Keith Richard and Nicole Michele Hamilton, 1368 Ada Street, Akron, OH 44306

**Creditors/Other Parties in interest:**

U.S. Bank Home Mortgage, Attn: Highest Officer, 17500 Rockside Road, Bedford, OH 44146-2099

U.S. Bank, N.A., Attn.: Highest Officer, 425 Walnut Street, Cincinnati, OH 45202

FirstMerit Ban, N.A., Attn.: Highest Officer, 106 South Main Street, Akron, OH 44308

*/s/ Priscilla Schnittke*  
Priscilla Schnittke, 0040508  
Attorney for Plaintiffs-Debtors  
pschnittke@knevel.com